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5 IN THE UNITED STATES DISTRICT COURT
6 FOR THE WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8
9 MARK MAYES,

10 Plaintiff,

11 v.

12 ANGIE RAYFIELD, *et al.*,

13
14 Defendants.

Case No. C18-0700RSM

ORDER GRANTING MOTION FOR
SERVICE BY U.S. MARSHAL

15
16 **I. INTRODUCTION**

17 This matter comes before the Court on Plaintiff's Motion for Service of Summons by
18 U.S. Marshal. Dkt. #7. Plaintiff is proceeding in this matter *in forma pauperis* and therefore
19 seeks assistance with service of the Summons and Complaint on Defendant SEIU 6. For the
20 reasons below, the Court GRANTS the motion.
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22 **II. DISCUSSION**

23 Federal Rule of Civil Procedure 4(c)(3) provides:

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25 At the plaintiff's request, the court may order that service be made by a
26 United States marshal or deputy marshal or by a person specially
27 appointed by the court. The court must so order if the plaintiff is
28 authorized to proceed *in forma pauperis* under 28 U.S.C. § 1915 or as a
seaman under 28 U.S.C. § 1916.

29 The Rule allows the Court to order service by the Marshal when requested, and
30 mandates it for *in forma pauperis* prisoner plaintiffs proceeding under 28 U.S.C. § 1915.

ORDER- 1

1 Although Plaintiff was granted leave to proceed *in forma pauperis* in this Court, he is not a
2 prisoner. Thus, service by U.S. Marshal is not mandated. However, the Court recognizes
3 that Plaintiff has limited means and the Court should assist in the service of this matter.
4 Plaintiff has provided sufficient information to effect service of the Summons and
5 Complaint. Accordingly, the Court GRANTS his motion.
6

7 8 III. CONCLUSION

9 Having reviewed Plaintiff's motion, and for the reasons stated above, the Court
10 hereby finds and ORDERS:

- 11 1. Plaintiff's Motion for Service by U.S. Marshal (Dkt. #7) is GRANTED.
- 12 2. The Clerk SHALL issue Summons to Defendant SEIU 6 c/o Mr. Graham Klym at
13 the following address: 3720 Airport Way South, Seattle, WA 98134.
- 14 3. The United States Marshal shall send the following to Defendant SEIU 6 by first
15 class mail:
 - 16 a. a copy of the Complaint (Dkt. #5) and of this Order;
 - 17 b. a copy of the Summons;
 - 18 c. two copies of the Notice of Lawsuit and Request for Waiver of Service of
19 Summons;
 - 20 d. a Waiver of Service of Summons; and
 - 21 e. a return envelope, postage prepaid, addressed to the Clerk's Office.
- 22 4. All costs of service shall be advanced by the United States.
- 23 5. The Clerk SHALL assemble the necessary documents to effect service.
- 24 6. Defendant SEIU 6 shall have **thirty (30) days** within which to return the Waiver
25 of Service of Summons. If Defendant SEIU 6 timely returns the signed Waiver,
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1 he shall have **sixty (60) days** after the date designated on the Notice of Lawsuit to
2 file and serve an Answer or a motion directed to the Complaint, as permitted by
3 Rule 12 of the Federal Rules of Civil Procedure. **If Defendant SEIU 6 fails to**
4 **timely return the signed Waiver, it will be personally served with a Summons**
5 **and Complaint, and may be required to pay the full costs of such service,**
6 **pursuant to Rule 4(d)(2).** A Defendant who has been personally served shall file
7 an Answer or motion permitted under Rule 12 within **twenty-one (21) days** after
8 service.
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11 7. The Clerk shall mail a copy of this Order to Plaintiff via U.S. Mail.
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13 DATED this 8th day of June 2018.
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16 RICARDO S. MARTINEZ
17 CHIEF UNITED STATES DISTRICT JUDGE
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